

STATEMENT OF STATE ATTORNEY BILL CERVONE

On April 1, 2013, Mayor Craig Lowe entered into a deferral agreement with the State Attorney's Office that resolves the pending DUI charges against him. This agreement allows him to participate in the DUI Intervention Program that this office makes available for first offender defendants of this sort who have no significant prior criminal or traffic history. The terms of the agreement require the voluntary completion of all requirements that the law imposes on those who are convicted of a first DUI, as well as an 18 month period of monitoring rather than the 12 months available to the courts and a punitive surrender of the participant's driver's license for 14 days. A copy of the agreement as signed and filed is attached. Upon full compliance, a plea to Reckless Driving for whatever additional sanctions the court might impose is required.

Agreements of this sort allow the court system to reach the goal of addressing cases without protracted litigation that does nothing but subject all involved to needless expenditures of time and resources. Further, it is generally required that this occur within 30 days of the offense date to ensure that no un-necessary delay or public expense is incurred by any part of the court system. Should a participant not comply with the agreement in any significant way, the agreement will be revoked and the case returned to the active court docket.

In reaching the decision to allow the Mayor to participate in this program, which is similar to others utilized in various locations in Florida, the State Attorney's Office has considered the facts of the case and the Mayor's personal but not political background. The case involves a breath test result of .06, which is below the legal limit presuming impairment, and certain field tests suggesting but not conclusively proving impairment. As in any court case, civil or criminal, both sides are usually well served by an agreed upon resolution that avoids a court fight. As to background issues, the Mayor has been treated exactly as anyone else would be in determining his qualifications for this program and any suggestion to the contrary is unfounded.